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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/866,544	05/25/2001	Brent C. Abraham	PELK0002/MRK	4820
29524	7590	06/07/2007		
KHORSANDI PATENT LAW GROUP, A.L.C. 140 S. LAKE., SUITE 312 PASADENA, CA 91101-4710			EXAMINER PATEL, JAGDISH	
			ART UNIT	PAPER NUMBER
			3693	
			MAIL DATE	DELIVERY MODE
			06/07/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

09/866,544

Applicant(s)

ABRAHM ET AL.

Examiner

JAGDISH PATEL

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 09 March 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1, 11-12, 16-17, 20, 133, 134 is/are pending in the application.
- 4a) Of the above claim(s) See Continuation Sheet is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) See Continuation Sheet are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date. _____   | 6) <input type="checkbox"/> Other: _____                          |

Continuation of Disposition of Claims: Claims withdrawn from consideration are 1,2,4-10; 13-15,18,19,21-46,48-54,57-59,62,63,65-90,92-98,101-103,105-107 and 109-132. .

Continuation of Disposition of Claims: Claims subject to restriction and/or election requirement are 1,2,4-10; 13-15,18,19,21-46,48-54,57-59,62,63,65-90,92-98,101-103,105-107 and 109-132. .

### **DETAILED ACTION**

1. This communication is in response to amendment filed 3/9/07.

#### ***Continued Examination Under 37 CFR 1.114***

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3/9/07 has been entered.

#### ***Drawings***

3. Formal drawings with proper margins and are required in response to this office action. The formal drawing should be legible, free of cluttered text and numbering (see for example, Figure 5) and free of dark backgrounds as in the case of the reproduction of web pages (see for example, see Figure 7a-b).

#### ***Response to Amendment***

4. Claims 3, 12, 16, and 17 have been amended and new claim 133 and 134 have been added.

#### ***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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6. Claims 3,12, 16,17, 20, 133 and 134 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claim recites limitation “test the plurality of parameters that characterize the proposed exchange against a set of rules by which like-kind transactions meet safe-harbor provisions for tax-deferred treatment” in step (B). This limitation is vague and indefinite because the claim fails to recite any step of defining the rules against which the test is to be carried out. It is suggested that the claim be amended to clearly state “providing a set of rules ...wherein the set of rules define safe-harbor provisions for a transactions of like-kind exchanges of ....” .

The claim recites limitation C) as “automatically transact at least a portion of the proposed exchange” is vague and indefinite. Since a transaction involving exchange of properties is unlike exchange of goods or merchandise for a monetary consideration which do not involve any legal documentation of formalities. This is evident from the fact that a complex and detailed procedure is required and intended to be accomplished by the subject claimed invention. Therefore, mere recitation of the end result of the procedure, recited in limitation C) is incomplete without specifically pointing out what the transacting at least a portion of the proposed transaction entails. For instance, in the case of an exchange of real properties the transacting must generate certain documentation involving property tiles. It is suggested that this process be more clearly recited such that the function of “transacting” is more clearly defined.

This analysis is also applicable to all other independent claims.

Appropriate correction(s) is required.

*Allowable Subject Matter*

7. The pending claims are allowable over the prior art of record subject to amendment to resolve 35 USC 112(second) issues discussed above. **The applicant is requested to cancel non-elected claims in response to this action in order to expedite the allowance of the pending claims.**

*Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAGDISH PATEL whose telephone number is (571) 272-6748. The examiner can normally be reached on **800AM-630PM Mon-Tue and Thu.**

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **KRAMER JAMES A** can be reached on **(571)272-6783**. The fax phone number for the organization where this application or proceeding is assigned is 517-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

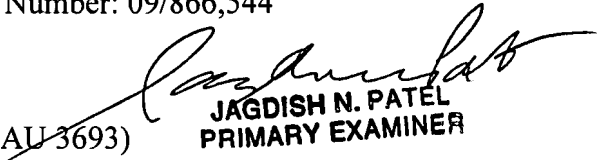
Jagdish N. Patel

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(Primary Examiner, AU 3693)

  
JAGDISH N. PATEL  
PRIMARY EXAMINER

5/29/07